



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/806,044

03/22/2004

David J. Thomsen

333628003US1

9996

25096

7590

06/19/2009

PERKINS COIE LLP

PATENT-SEA

P.O. BOX 1247

SEATTLE, WA 98111-1247

EXAMINER

DAYE, CHELCIE L

ART UNIT

PAPER NUMBER

2161

MAIL DATE

DELIVERY MODE

06/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,044	<b>Applicant(s)</b> THOMSEN, DAVID J.	
	<b>Examiner</b> CHELCIE DAYE	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3, 10-12 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 10-12 and 30-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is issued in response to applicant's RCE filed April 15, 2009.
2. Claims 3, 10-12, and 30-35 are presented. No claim added and claims 1-2, 4-9, and 13-29 remain cancelled.
3. Claims 3, 10-12, and 30-35 are pending.

### ***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed April 15, 2009 has been entered.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, claim 3 recites the limitation "recently contributed information" in the 2<sup>nd</sup> limitation of the claim. However, while there is a prior mention of contributed information, the information is not solely limited to 'recently' contributed information. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 3, 10-12, and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGovern (US Patent No. 6,370,510) filed September 7, 1999, in view of Barnet (US Patent No. 6,070,143) filed December 5, 1997, further in view of "O\*NET 98 Data Dictionary", Release 1.0, referred to hereinafter as 'ONET'.**

Regarding Claims 3 and 10, McGovern discloses a method for providing and collecting information associated with a collection of occupational information including a collection of occupational titles, the method comprising:

providing a publicly available web site for users of occupational information, wherein the publicly available web site allows the users of occupational information to access information associated with the collection of occupational information (col.2,

lines 1-8, McGovern) and to contribute information used to update the collection of occupational information (col.10, lines 37-56, McGovern);

providing access to information recently contributed via the publicly available web site (col.9, lines 43-47, McGovern). However, McGovern is not as detailed with the recently contributed information includes information being contributed using questionnaire forms. On the other hand, Barney discloses the recently contributed information includes information being contributed using questionnaire forms (col.6, lines 10-54, Barney). McGovern and Barney are analogous art because they are from the same field of endeavor of employment opportunities. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Barney's teachings into the McGovern system. A skilled artisan would have been motivated to combine in order to automate job analysis that allows accessibility across wide geographical spans and to ensure ongoing data integrity within the system. Therefore, the combination of McGovern in view of Barney, disclose updating the collection of occupational information based on receiving a submission of a questionnaire form accessed from the publicly available web site and at least partially completed (col.1, lines 35-38; col.6, lines 10-54; and col.7, lines 40-44, Barney), and wherein the updating includes either (a) adding a new occupational title (col.9, lines 26-42, McGovern) or (b) modifying data measures associated with an occupational title that already exists in the collection of occupational information. While the examiner fully believes that Barney discloses data measures associated with an occupation (see col.6, lines 46-50, Barney); however Barney is not as detailed as the examiner would like. On the other

hand, ONET discloses one or more data measures associated with an occupation (pages 13-15 and 48-76, ONET). McGovern, Barney, and ONET are analogous art because they are from the same field of endeavor of supplying occupational information. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate ONET's teachings into the McGovern and Barney system. A skilled artisan would have been motivated to combine in order to provide the user with information, which was more detailed and self-related to what the user desired and capable of performing.

Regarding Claim 11, the combination of McGovern in view of Barney, further in view of ONET, disclose the method wherein the questionnaire is a job analysis questionnaire (cols.2-3, lines 53-67 and 1-6, respectively; Barney).

Regarding Claim 12, the combination of McGovern in view of Barney, further in view of ONET, disclose the method wherein the questionnaire is a job analysis questionnaire and wherein the questionnaire is pregraded to provide default answers for the specified occupation (pages 39-47, ONET).

Regarding Claim 30, the combination of McGovern in view of Barney, further in view of ONET, disclose the method wherein the one or more modified data measures includes skill collection information for the associated occupation (pages 3,7,11-12, and 85, ONET).

Regarding Claim 31, the combination of McGovern in view of Barney, further in view of ONET, disclose the method wherein the one or more modified data measures includes industry definition information for the associated occupation (pages 14 and 87, ONET).

Regarding Claim 32, the combination of McGovern in view of Barney, further in view of ONET, disclose the method wherein the one or more modified data measures includes stress related work measure information for the associated occupational title (pages 36,38,and 86, ONET).

Regarding Claim 33, the combination of McGovern in view of Barney, further in view of ONET, disclose the method wherein the updating includes performing statistical analysis relating to the worker measure information associated with the specified occupation (pages 13 and 56-76, ONET).

Regarding Claim 34, the combination of McGovern in view of Barney, further in view of ONET, disclose the method wherein the questionnaire is a direct analysis questionnaire configured so that raw data from the form is in a format that facilitates direct submission to a raw data database associated with the computer system (cols.2-3, lines 53-67 and 1-6, respectively; Barney).

Regarding Claim 35, the combination of McGovern in view of Barney, further in view of ONET, disclose the method wherein the questionnaire is a job analysis questionnaire that models publicly available work desk papers used by disability determination adjudicators (pages 77-83, ONET).

### ***Response to Arguments***

9. The affidavits filed on 11/03/2008 under 37 CFR 1.131 are sufficient to overcome the Pullen and Kauderer references.
10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571) 272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye  
Patent Examiner  
Technology Center 2100  
June 16, 2009

/Apu M Mofiz/  
Supervisory Patent Examiner, Art Unit 2161